

ORDINANCE NO. 20-O-68

An Ordinance Amending Title 3, Chapter 6 of the Woodstock, Illinois City Code Relating to Temporary Vendors and Mobile Food Trucks

WHEREAS, the City of Woodstock, McHenry County, Illinois, (the "City"), is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Mayor and City Council have determined that amendments to the Woodstock City Code are necessary to address Mobile Food Trucks.

BE IT ORDAINED by the CITY COUNCIL of the CITY OF WOODSTOCK, McHenry County, Illinois, as follows:

SECTION 1: That Section 3.6.1, Definitions, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

OCCASION: A period of no more than three (3) consecutive days within a seven (7) day period.

HAWKING/PEDDLING: The use of the public streets by audibly soliciting orders for or selling goods, wares or other merchandise from a moving vehicle travelling from place to place in the course of making sales.

RESIDENCE: Every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

SOLICITING: The door to door seeking to sell goods, wares, merchandise, foodstuffs, services of any kind, nature or character for any kind of consideration for delivery at the premises where sold; or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever for any consideration whatsoever for delivery at a future date; or seeking to obtain prospective customers for application or purchase of insurance of any type or character; or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

MOBILE FOOD TRUCK VENDOR: The operator or proprietor of a vehicle intended or designed for the cooking or preparation of hot and cold ready-to-eat food, prepackaged foods and drink for sale or distribution on a temporary basis at locations that may change from time to time.

TEMPORARY VENDOR: Any person engaging or intending to engage in business as a merchant on public property in a temporary, stationary structure in the city of Woodstock.

SECTION 2: That Subsection A of Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add the following:

A. No person shall do business on public property in the city of Woodstock as a temporary vendor without a license, unless part of an approved event on the Square. Peddlers and Mobile Food Truck Vendors shall not be considered temporary vendors.

SECTION 3: That Subsection J of Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

J. The fee for a temporary vendor's license for the first vehicle/~~concession~~ or temporary structure is one hundred dollars (\$100.00) per season, defined as the calendar year, January 1 through December 31. The fee for a temporary vendor's license for each subsequent vehicle/~~concession~~ or temporary structure owned by the same applicant shall be fifty dollars (\$50.00) per calendar year. All temporary vendor licenses shall terminate on December 31 following date of issuance.

SECTION 4: That Subsection K of Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

K. Applicant must abide by all other conditions for approval as set forth by the city of Woodstock, including, but not limited to, location of ~~concession(s)~~ vehicle or temporary structure, duration of stay, placement of signage, use of auxiliary equipment, and trash collection.

SECTION 5: That Subsection L of Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

L. Upon approval of the City Manager and upon satisfactory execution of a document stating same, the requirement for background checks and the fee for a temporary vendor's license may be waived for any not for profit group operating a ~~concession~~ as a temporary vendor by and for the exclusive benefit of the not for profit.

SECTION 6: That Subsection N of Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

N. Any and all temporary vendor licenses shall be subject to any restrictions or conditions deemed ~~desirable by the city~~ necessary for the public health, safety and welfare by the City Manager or designee.

SECTION 7: That a new Subsection O, in Section 3.6.3, Temporary Vendors, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is added, as follows:

O. For sales tax reporting purposes, the City of Woodstock shall be the point of sale for all sales by a temporary vendor occurring within the corporate limits.

SECTION 8: That Subsection A of Section 3.6.5, Peddlers, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to delete the following:

A. No person shall engage in the business of ~~hawker or~~ peddler of any merchandise, article or thing in the city of Woodstock without a license.

SECTION 9: That Subsection K of Section 3.6.5, Peddlers, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is deleted.

SECTION 10: That Subsection L of Section 3.6.5, Peddlers, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to delete the following:

~~L K.~~ No peddler ~~or hawker~~ shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler, nor shall barter, sell or peddle any goods, wares, or merchandise other than those specified in his application for license.

SECTION 11: That Subsection M of Section 3.6.5, Peddlers, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is amended to add or delete the following:

~~M L.~~ Any and all peddler's licenses shall be subject to any restrictions or conditions deemed desirable by the city necessary for the public health, safety and welfare by the City Manager or designee.

SECTION 12: That a new Subsection M, in Section 3.6.5, Peddlers, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is added, as follows:

M. For sales tax reporting purposes, the City of Woodstock shall be the point of sale for all sales by a peddler occurring within the corporate limits.

SECTION 13: That a new Section 3.6.6, Mobile Food Truck Vendors, in Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is added, as follows:

3.6.6: MOBILE FOOD TRUCK VENDORS:

A. No person shall do business on public or private property in the city of Woodstock as a Mobile Food Truck Vendor without a license, unless part of a farmer's market or special event otherwise approved by the city.

B. Possession of a Mobile Food Truck Vendor's license is a privilege, not a right; and the city reserves the right at the sole discretion of the City Manager to determine the number of Mobile Food Truck Vendor's licenses to be issued and to refuse issuance of or to rescind said license.

C. Any Mobile Food Truck Vendor who violates the terms or conditions of the license is subject to revocation of the license.

D. A mobile food truck shall not be located on any parcel zoned residential, unless approved by the City Manager as part of a special event.

E. A mobile food truck shall be situated on a suitable surface, as determined by the City Manager.

F. A mobile food truck shall not be located between an existing parking lot and the street and shall not interfere with fire lanes or with vehicular or pedestrian circulation. Any means of emergency ingress/egress to an existing principal use on a parcel shall not be blocked. The city, at the City Manager's (or the City Manager's designee's) sole discretion, may require that permit applications be reviewed by the Police and Public Works departments and the Woodstock Fire/Rescue District for public safety issues.

G. Proposed signage used in conjunction with a mobile food truck shall not conflict with the sign requirements of the Woodstock Unified Development Ordinance and may not present any safety hazard.

H. Portable lights, lights which flash, and similar attention-getting devices are not permitted. Outside amplifying equipment or noisemakers shall not be used.

I. Any power required for a mobile food truck located on public property shall be self-contained and shall not use utilities drawn from public property, unless otherwise approved by the city.

J. Mobile food trucks must provide receptacles for refuse or use waste receptacles unless otherwise authorized by the City Manager, and must properly dispose of all waste on a daily basis.

K. Mobile food trucks may not provide seating or tables for their customers.

L. Hours of operation for a Mobile Food Truck Vendor shall be limited to between 7:00 a.m. and 11:00 p.m.

M. Applications for a Mobile Food Truck Vendor's license shall be made to the office of the City Manager upon forms supplied by the city, not less than seven (7) calendar days in advance of the date for which the license is requested. No license shall be issued unless the application is completed in full.

N. In addition to the completed application, applicant must supply the following:

1) Mobile Food Truck Vendors locating on private or public property shall provide written permission from any business(es) or merchant(s) immediately adjacent to the area on which the mobile food truck will be located.

2) A site plan or map showing the location of the mobile food truck, with property lines, physical improvements, existing buildings and structures, parking areas and spaces, and similar features along with information regarding provisions for power, potable water, and sanitary waste disposal.

3). Depiction of the appearance and design of the mobile food truck, including exterior

dimensions, signage, and exterior lighting features.

4) Proof of liability insurance for the activity to be licensed, naming the city of Woodstock as additional insured, in an amount not less than one million dollars (\$1,000,000.00) combined single limit.

5) A valid copy of all necessary licenses or permits required by the State and County health authorities for the operation of a mobile food truck.

6) A valid copy of the driver's licenses for all individuals operating the mobile food truck.

O. Prior to issuance of a license, applicant must:

1) Execute an indemnification and hold harmless agreement with the city of Woodstock for any and all claims related to the activity to be licensed.

2) Provide an affidavit of service stating that the applicant has notified, by first class US mail or e-mail, the owner(s) or proprietor(s) of any licensed food service establishment or restaurant within two-hundred and fifty (250) feet from the proposed mobile food truck location, as measured from a customer entrance of the private property location or from the proposed and approved public property location of the mobile food truck.

P. A Mobile Food Truck Vendor's license is valid for one (1) vehicle only and shall not be transferable from person to person, business to business or from place to place without the approval of the City Manager.

Q. The initial fee for a Mobile Food Truck Vendor's license is fifty dollars (\$50) for the first Occasion, as defined herein, and twenty-five dollars (\$25) for each subsequent Occasion to a maximum of \$300 annually. A Mobile Food Truck Vendor's license shall be valid for a single Occasion, and no applicant shall be issued more than thirty (30) licenses, unless otherwise approved by the City Council. Provided, however, that this fee and license requirement shall be waived for any applicant having a brick and mortar restaurant or other licensed food service establishment operating in the city.

R. Any and all Mobile Food Truck Vendor's licenses shall be subject to any restrictions or conditions deemed necessary for the public health, safety and welfare by the City Manager or designee, and the license may be revoked for good cause shown by the City, including failure to comply with any provisions of the City Code or any risk to public health, safety and welfare.

S. For sales tax reporting purposes, the City of Woodstock shall be the point of sale for all sales from a mobile food truck occurring within the corporate limits.

SECTION 14: That Section 3.6.6, Distribution of Handbills, Samples, of Chapter 6, Temporary Vendors, Junk Dealers, Peddlers and Street and Sidewalk Advertising, of Title 3, Business and License Regulations, of the Woodstock City Code shall be and hereby is renumbered to Section 3.6.7.

SECTION 15: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in

full force and effect.

SECTION 16: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 17: This Ordinance shall be known as Ordinance 20-O-__ and shall be in full force and effect on January 1, 2021, following its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

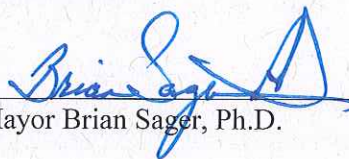
Ayes: Flynn, Lohmeyer, Piersall, Prindiville, Tebo, Turner, Mayor Sager

Nays: None

Abstentions: None

Absentees: None

APPROVED:


Mayor Brian Sager, Ph.D.

(SEAL)

ATTEST: Cindy Smiley
City Clerk Cindy Smiley

By Chief Deputy City Clerk Jane Howie

Passed: 9/15/20

Approved: 9/22/20

Published: 9/22/20

CERTIFICATION

I, CINDY SMILEY, do hereby certify that I am the duly appointed, acting and qualified Clerk of the City of Woodstock, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Council members of said City.

I do hereby further certify that at a regular meeting of the Woodstock City Council, held on the 15th day of September, 2020, the foregoing Ordinance entitled *An Ordinance Amending Various Sections of the Woodstock, Illinois City Code Relating to Temporary Vendors and Mobile Food Trucks*, was duly passed by said City Council.

The pamphlet form of Ordinance No. 20-O-68, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the 22nd day of September, 2020, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and corporate seal of the City of Woodstock this 22nd day of September, 2020.

Cindy Smiley

Cindy Smiley, Clerk
City of Woodstock,
McHenry County, Illinois

(SEAL)

By Chief Deputy City Clerk Jane Howie

ORDINANCE NO. 20-O-68

*An Ordinance Amending Title 3, Chapter 6 of the Woodstock, Illinois City Code
Relating to Temporary Vendors and Mobile Food Trucks*

ORDINANCE PASSED BY THE

MAYOR AND CITY COUNCIL

OF THE CITY OF WOODSTOCK

AT THEIR REGULAR MEETING ON SEPTEMBER 15, 2020

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF

THE CITY COUNCIL

OF THE

CITY OF WOODSTOCK

Mayor:

Brian Sager

City Council:

**Darrin Flynn
Lisa Lohmeyer
Wendy Piersall
James Prindiville
Gordon Tebo
Michael Turner**

Clerk:

Cindy Smiley

